



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 29 2002

OFFICE OF
CIVIL RIGHTS

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RETURN RECEIPT REQUESTED

In Reply Refer To:
EPA File No.: 14R-00-R2

Mr. Jerome Balter, Director
Environmental Law Project
Public Interest Law Center of Philadelphia
125 Ninth Street, Suite 700
Philadelphia, Pennsylvania 19107

Re: Suspension of Title VI Complaint

Dear Mr. Balter:

By letter dated June 26, 2002, you resubmitted the October 4, 2000, administrative complaint you filed on behalf of the South Camden Citizens in Action (SCCIA). The complaint alleges violations of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §2000d *et seq.*, and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7 by the New Jersey Department of Environmental Protection (NJDEP).

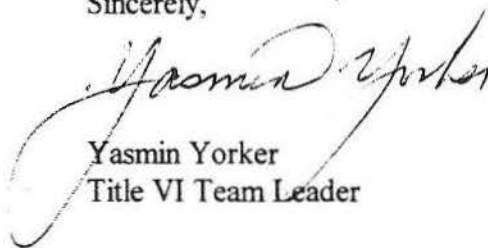
While litigation pertaining to the enforcement of EPA's Title VI regulations concluded with the U.S. Supreme Court's denial of SCCIA's petition for certiorari, during our July 29, 2002, telephone conversation, you stated that SCCIA may move forward with the intentional discrimination allegations that remain in the Title VI complaint. OCR's practice is not to process administrative complaints that are in active litigation since a court decision in the lawsuit may be dispositive as to the administrative complaint. In addition, the outcome of such proceedings can significantly affect the circumstances surrounding your Title VI complaint and any investigation we may conduct, even where the legal issues in the judicial action are not identical to those in the administrative action. Therefore, OCR will not make a determination on whether to accept or reject your complaint until all litigation relevant to the Title VI allegations raised by SCCIA has concluded.

As such, the above referenced complaint is now being placed in suspension until all litigation relevant to this matter is concluded. Once the litigation ends, you should inform EPA about the outcome of the proceedings and submit documents that describe the final decision, such

as a court decision or consent decree, within 30 calendar days of the date on which the court makes its final determination. If you do not act within 30 calendar days after the proceedings end, EPA will assume that you are no longer interested in pursuing the administrative complaint and will deem your complaint to be withdrawn and close the file.

If you have any questions, please contact me by telephone at (202) 564-7296, or by mail to the U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

A handwritten signature in black ink, appearing to read "Yasmin Yorker", is written over a horizontal line.

Yasmin Yorker
Title VI Team Leader

cc: Robert C. Shinn, Jr., Commissioner
NJ Department of Environmental Protection
P.O. Box 402
Trenton, NJ 08625

Melva J. Hayden, Title VI Coordinator
Office of Regional Counsel
U.S. EPA - Region 2

Gail C. Ginsberg, Chair
EPA Title VI Task Force (MC 2201A)